

REMARKS

Claims 1-19 are the only pending claims in this application.

Claims 1, 4-7, 14-15, and 17-19 are currently amended. In claims 1, 14, 15, 17, 18 and 19, the definition of water soluble dye fixative is defined as given in former claim 3 and given in the specification on page 5 paragraph 1. In claims 4 to 7, the wording "claim 3" is replaced by "claim 1".

Claim 3 is cancelled.

Claims 1-2 and 4-19 are presented for reconsideration.

Claim Rejections – 35 USC 112 Second Paragraph

Claim 13 is rejected under 35 USC 112 second paragraph as being indefinite for failing to point out and distinctly claim the subject matter which the applicant regards as the invention. The claim language "substantially homogeneous" is indefinite.

The term substantially according to dict.die.net means:

substantially

- adv 1: to a great extent or degree; "I'm afraid the film was well over budget"; "painting the room white made it seem considerably (or substantially) larger"; "the house has fallen considerably in value"; "the price went up substantially" [syn: well, considerably]
- 2: in a strong substantial way; "the house was substantially built"

The claim language is simply recognition that, while a homogeneous mixture is desired and may be approached, in practice some small deviation from absolute homogeneity will inevitably be present in any solid mixture. Therefore, the applicants aver that the term "substantially homogeneous" is not indefinite.

The present 35 USC 112 second paragraph rejections are addressed and are overcome.

Claim Rejections – 35 USC 102(b)

Claims 1-11, 13, 14, and 17-19 are rejected under 35 USC 102(b) as being anticipated by Foster et al (US 6,008,316).

Foster et al. (US 6,008,316) disclose functionalized polyamines and their use as anti-dye transfer and color protection agents. The polyamines of Foster et al. are different from the polyamines of the instant invention. Foster's polyamines comprise the reaction product of (A) a cyano- or guanidine-containing compound selected from the group consisting of cyanamides or salts thereof, dicyanamides or salts thereof, dicyandiamides or salts thereof, guanidines or salts thereof, biguanidines or salts thereof, and combinations thereof, and (B) a polyamine prepared from at least one monomeric amine, wherein the cyano- or guanidine-functional groups are attached to the polyamine or incorporated therein to form the functionalized polyamine, provided that the monomeric amine and the cyano- or guanidine-containing compound are present in the functionalized polyamine in a molar ratio of 1.1:1 to 100:1.

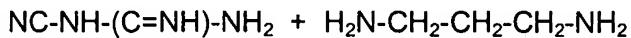
On the other hand, the polyamines of the present invention are produced by reacting an amine with an ammonium salt in the presence of a non-aqueous solvent and the protonated product obtained is reacted with a cyanamide at elevated temperature. Foster et al. does not disclose these specific reaction conditions. The products obtained by Foster et al. are different from the products of the instant invention. Foster et al. discloses the same use but using different polyamines. Therefore, the instant invention is not anticipated by Foster et al.

Claims 1-9, 11, 12, and 15-18 are rejected under 35 USC 102(b) as being anticipated by Panandiker (US 6,156,722).

Panandiker et al. (US 6,156,722) discloses heavy duty laundry detergent compositions which contain certain types of dye fixative materials to impart appearance benefits to fabrics and textiles laundered in washing solutions formed from such compositions. Panandiker et al. discloses certain types of dye fixative material (see column 1, lines 9-13), or selected dye fixatives (see column 4, line 44 to column 5, line 57). With respect to the definition of the water-soluble dye fixative in the present amendments, the subject matter of the instant invention is not anticipated by US 6,156,722. Panandiker et al. discloses, at the point of closest approach, the dye fixative given in the reference is a polymer prepared from the following monomers (see page 6 of the WO 98/29529):



The dye fixative of the instant invention, at the point of closest approach, is prepared according to the following scheme:



According to the instant invention, there is no formaldehyde used for the preparation of the instant dye fixative.

As a consequence, the compound obtained according to the instant invention is distinguished from the compound obtained in Panandiker et al.

In addition, there is no motivation in this reference to modify the dye fixatives disclosed. Panandiker et al. discloses seven known dye fixatives as preferred compounds. There is no teaching in this reference to select one of the preferred seven compounds and to modify the process of its production.

In the absence of a clear teaching to select one of the preferred dye fixatives of Panandiker et al. and in the absence of any motivation to modify the process of production, a person skilled in the art would clearly not be guided to the dye fixative of the instant invention. The theoretical approach to modify the process of the production of a well-known dye fixative without knowledge of the instant invention is unobvious for a person skilled in the art because without teaching and motivation in the cited prior art or any other useful hints and without substantial testing no person skilled in the art could expect the advantageous properties of the instant invention.

The present 35 USC 102(b) rejections are addressed and are overcome.

No new matter has been added.

The Examiner is kindly requested to reconsider and to withdraw the present rejections.

Applicants submit that the present claims are in condition for allowance and respectfully request that they be found allowable.

Respectfully submitted,



TYLER STEVENSON
Reg No 46388

for Mervin G. Wood
Agent for Applicants
Reg. No. 56,711

Ciba Specialty Chemicals Corporation
Patent Department
540 White Plains Road
P.O. Box 2005
Tarrytown, NY 10591-9005
(914) 785-7127
MGW\22603A1

JUN 22 2008